THIRD DAY.—*1st October 1925.*

Representations.

No. 1.—Grant of Malnad allowances to all non-gazetted officers of all departments.

Mr. S. Honnappaiah, Chikmagalur Taluk.

At present, the grant of Malnad allowances is not uniform. For instance, officials of the Taluk Office and of the Public Works Department Sub-Division Office, located at district headquarters are being paid the allowances, while those in other offices in the same locality and in certain instances, within the same premises, are denied this benefit. This treatment is quite invidious causing discontentment among the officials. It is therefore requested that this concession may be extended to all the non-gazetted officers of all departments.

The DEWAN replied that a Committee was appointed by Government in 1920 to go into the question and that they had recommended a uniform system of allowances being adopted. It was calculated at that time that if effect was to be given to this recommendation, an expenditure of Rs. 33,000 per annum would have to be incurred. At present it might come even to a higher figure. Effect was not given to the recommendation on account of financial stringency. Government will consider the question of giving effect as early as possible to the recommendation of the Committee with any modifications that may be considered necessary.

No. 2.—Scale of pay of district treasurers.

Messrs. H Boranna and A Narayana Iyengar, Hassan Taluk.

The scale of pay fixed for district treasurers be revised as in the recent reorganization of the Treasury Staff, their pay has not been revised.

MESSRS. H. BORANNA AND A. NARAYANA IYENGAR represented that the scale of pay of district treasurers was fixed during the Commission days and remained unaltered since. Even during the recent reorganization of the Treasury Staff, their pay was not raised though the other treasuy officials got increased pay. The distinction was invidious and led to discontentment. They said that in

view of the heavy securities the district treasurers were required to deposit, some special concession in their case was urgently called for.

The FIRST MEMBER OF COUNCIL observed that when the Grain Compensation Allowance was merged in the pay of the subordinate officials of Government, the district treasurers also got the benefit of the measure. If the scale of pay of certain officials was raised, it does not necessarily follow that other officials also should get similar increases without consideration of the merits of each case.

The DEWAN added that the scale of pay granted to district treasurers in British India was Rs. 90-125, and compared with the volume of treasury transactions in Mysore the pay given here could by no means be regarded as too low.

No 3—Transfer of State Loan Bonds.

Messrs. Sidde Gowda and Maye Gowda, T.-Narsipur Taluk.

Much difficulty is now experienced in the matter of effecting transfers of State Loan Bonds of 1940 of the value of Rs. 500 and under. The Amildars may be authorised to attest endorsements of transfer and in the case of deceased bond holders, to institute enquiries regarding the rightful heirs and transfer the bonds to their names.

The DEWAN pointed out that Government had already passed orders on the subject on the 30th January 1924 and also published them in the official Gazette. The orders also had gone further than what the members asked for, the limit of amounts of bonds of deceased holders about which enquiries might be held by Amildars being fixed at Rs. 1,500 instead of at Rs. 500.

No. 4.—Grant of bonus to Non-Official Policy Holders in the Government Life Assurance Department.

Messrs. B. Gopalachar, Tudki Ramanna and H. S. Venkatappa Gowda, Tirthahalli Taluk.

It is prayed that the system of granting bonus to Official Policy Holders in the Mysore Government Life Assurance Department be extended to the Non-Official Policy Holders also.

The FIRST MEMBER OF COUNCIL replied that the fund of the Public Branch was valued once in every five years and that a bonus was granted if the accounts showed any

profits. There was provision in the rules in this behalf, but in the case of the non-official branch, there were no profits so far.

MR. RAMASWAMI of Mysore suggested that the funds of both branches of Insurance be treated as one for purposes of calculating the bonus to policy holders.

The FIRST MEMBER OF COUNCIL observed that this was not a sound financial proposal. The Official Branch was working for 30 years, while the Public Branch was of recent origin, so that each fund had to be kept apart. The Public Branch also would show profits in course of time and the policy holders would participate in them.

No. 5.—Increasing the assurance amount from Rs. 5,000 to Rs. 10,000 in the Public Branch of the State Life Insurance.

Mr. T. Nanjappa, Mysore Chamber of Commerce.

It is requested that the amount for which Life Insurance Policies in the Public Branch of the State Life Insurance are allowed to be taken may be increased from Rs. 5,000 to Rs. 10,000.

The DEWAN replied that this matter was already engaging the consideration of the Insurance Committee.

No 6.—Interest on Temple Funds.

Mr. A, Narayana Iyengar, Hassan Taluk.

Interest at the rate allowed for Savings Bank Accounts may be paid for all moneys belonging to Muzrai Institutions which are at present in the custody of Government and which are treated at present as funds at the credit of the several institutions bearing no interest.

The DEWAN replied that orders had been issued so long ago as 22nd July 1918 to the effect that temple funds might be deposited in Savings Banks.

Mr. N. SURAPPA brought to notice that even though the Dharmadarsis resolved to deposit temple funds in Savings Banks, the departmental officers did not allow it; he quoted the case of the Dharmarayaswami temple at Bangalore as an instance in point.

The FIRST MEMBER OF COUNCIL observed that it might be that in some cases the rules and orders of Government on the subject might not have been correctly understood by the officers. If necessary, Government had no objection to issue orders calling the attention of the officers to the orders on the subject.

Some other members requested that the temple collections be deposited in a Bank as they were received, instead of at the end of each year.

The FIRST MEMBER OF COUNCIL replied that it was not a feasible suggestion. Very recently Government had issued orders for a pass book being opened for each temple, and after this arrangement comes into actual operation, there will be no room for complaint as the amount that can be invested in Savings Bank can be easily ascertained.

No. 7—Remission of Wet Assessment.

(*a*) Messrs. K. Ramakrishna Iyer and Doddarame Gowda, Kolar Taluk; K. Rame Gowda and Channabasappa, Bowringpet Taluk; O. V. Rajagopal and M. Narasinga Rao, Kolar Gold Fields Mining area; Nanjappa, Special Interests, Bowringpet; Chikkareddi, Chintamani Taluk; K. Shama Rao and Dodda Obaiya, Mulbagal Taluk; Lakshmappa, Chikkamunappa, Sidlaghatta Taluk; N. Sonnappa, Venkataraya Reddi, Chikballapur Taluk; Narayanareddi, Chiknarasireddi, Bagepalli Taluk; Vemareddi, Venkatasami Gowda, Malur Taluk; Meda Sanjivaiah, Srinivaspur Taluk, Sendi Anjanappa, Venkataramanappa, Goribidnur Taluk; G.K. Narayana Rao, Gudibanda Sub-Taluk; Chikkachannanjappa Chetty, Kolar Municipality; B. Krishna-Murthyachar, Mulbagal Municipality; J Naranappa, Sidlaghatta Municipality; V. Venkatasamichetty, Chikballapur Municipality: K. Poosamy, Adidravida Community; S. Hampiah and A. Venkataramana Boyi, Sidlaghatta Special Interests.

(*b*) Messrs. Singri Nanjappa, Tiptur Taluk; Hutchveeregowda, Gubbi Taluk; G. S. Murigappa Gubbi Taluk, Suryanarayana Rao, Tumkur Taluk; Lakshminarasappa, Maddagiri Taluk; Channabasappa, Tumkur Municipality.

(*c*) Mr. Mahamed Ghouse, Nagamangala Taluk.

(*a*) Maidan districts are liable to suffer from distress year after year and wet crops generally fail in these parts. The present remission rules are not advantageous to Kandayam payers. It is therefore prayed that the rules may be suitably modified so that remission of wet assessment may be granted in the same year in which the crops fail or the estimated yield is less than 4 annas in the rupee. It is further prayed that the Deputy Commissioners of the Districts may be empowered to sanction the remission.

(*b*) It is prayed that remission of assessment on wet lands may be granted in respect of such lands on which wet crops could not be raised.

(*c*) It is a hardship to pay full wet assessment on lands below tanks irrespective of the fact that the tank supplies water or not for raising wet crops. Pray that

full assessment may be recovered for the years when wet crops are raised and half the wet rates when wet crops are not raised.

In this connection Mr. Ramakrishna Iyer and others recalled to Government the promise given to the Assembly at the last meeting that orders would issue before the present Session.

The DEWAN replied that in accordance with the promise of Government referred to, they were about to issue orders on the subject and that in some respects the rules would be even more liberal than what the representation sought to accomplish.

No. 8.—Reduction of Kandayam in Kolar District.

Mr. S. Venkatasami Gowda, Malur Taluk.

Assessments on lands during the re-survey operations in the Kolar District have been considerably increased. This is a maidan district of very poor soil and the enhancement of kandayam is unfair. It is prayed that a general revision of rates may be ordered.

MR. VENKATASAMI GOWDA said that in the case of some lands, merely because a few wells were sunk, the assessment was raised, irrespective of how far they were useful in improving water convenience; and considering the other cesses the raiyats were paying, the total assessment actually came to as much as 5 or 6 rupees per acre.

MR. VEMA REDDY added that even at the time of the original settlement, the raiyats had represented the hardship that would be caused by the high rates. Though the representation was not favourably considered then, the raiyats had hoped that at least at the time of resettlement their case would receive the consideration which it deserved. But to their misfortune it was not so, and in many instances the raiyats were not able even to pay the assessment out of the crop raised. For the railway cess they were paying, there was no adequate return and the raiyats requested that at least the reduction of land revenue be considered favourably. Though Kolar was the poorest district in the State from the point of view of agriculture, yet so far as Government revenue was concerned, it was contributing most, by way of consumption of electric power and supply of gold. The complaint was as much against classification as against the rates. While the assessment on lands in certain taluks such as Malvalli was 6 or 8 annas, that on similar lands in Kolar was very much more.

MR. SHAMA RAO brought to notice that whereas in the bordering British Indian District of Chittoor, the maximum rate was four annas per acre, the rate in the adjoining lands of the Kolar District was between Rs. 2-8-0 and Rs. 3-0-0 in the case of dry lands, though they were not fertile and the rainfall was scanty.

MR. CHICKACH 'NNANANJAPPA CHETTY, RAMAKRISHNA IYER AND KRISHNAMURTHIACHAR observed that it was difficult to understand on what economic considerations the present high rates were based, and what the effect of the raiyats, representations in the matter was. It was an irony of fate that in a district where remission or suspension of assesments had frequently to be granted, resettlement rates should have been higher than before.

MR S. HAMPAIYA said that the raiyats were given to understand that even if there be an enhancement of dry rates, the increase would not be more than 1½ annas per acre, but as a matter of fact it was at least 4 annas.

The DEWAN replied that the orders proposed to be issued on the general question of remission and suspension of assessments were very favourable to the raiyats. If particular localities had any special grievances it was open for the raiyats to represent the matter to Government and obtain relief. But a wholesale revision of resettlement rates would not only go against the terms of the Survey guarantee, but also invite similar representations from other taluks and districts also, and there would be no finality in the matter. It was not therefore sound revenue policy, and Government were not prepared to consider such a proposition. So far as the Kolar District as a whole was concerned, Gevernment believed that the resettlement rates were not too severe. Whereas the average rates in respect of the three classes of lands were Rs. 1-11-9, 1-9-3 and 1-5-0, respectively in the original settlement, the resettlement rates were fixed at Rs. 1-14-3, 1-11-10 and 1-8-0, respectively, after a full consideration of all the circumstances of the different taluks. This represented, but a small increase though in other districts the increase was very much more. In the Mulbagal Taluk, the increase was only 3 per cent and in Chikballapur, 6 per cent.

No. 9.—Cardamom Cultivation.

Messrs. Malali Venkataramaiya and D. Basavegowda, Manjarabad Taluk.

(*a*) The rule that lands lying to the west of a line drawn from Kottigehar, Hanbal, Saklespur and Hettur

should not be given for cardamom cultivation may be rescinded in respect of Mudgere and Manjarabad Taluks, and (*b*) also the restriction in respect of cardamom cultivation in respect of lands given out for coffee, wet and dry cultivation subsequent to 1910 may be removed.

MR. MALALI VENKATARAMIAH added that he was pressing for the removal of this restriction for several years past; but nothing had been done. He said that on account of these restrictions, many otherwise cultivable lands were lying uncultivated with the result that Government lost a large amount of revenue which they could get by giving them on darkhast. He pointed out that there were at the present moment several darkhast applications for these lands, which, if auctioned, would fetch the Government a large sum of money.

The DEWAN remarked that the restrictions mentioned above were imposed several years ago, *i.e.*, in 1909, with the main object of safeguarding the drainage of the river Hemavati.

MR. M. VENKATARAMAIAH replied that there was no reason to fear that the drainage of that river would be effected, for the main reason that even cardamom required shelter for which big trees would be grown and that by this means the drainage would be better safeguarded. He also said that the theory that cardamom cultivation interfered with the water sources was later found to be wrong and that the Coorg Government granted lands on the banks of the rivers for cardamom cultivation. He brought to the notice of Government that the restrictions that were placed in Mysore were peculiar to a particular part of the country and they had been removed in the Madras Presidency also. These restrictions applied only to the lands given for cultivation subsequent to the year 1910.

The DEWAN replied that all these matters would receive the consideration of Government.

No. 10.—Amendment of the Land Revenue Code.

Mr. S. Honnappiah, Chikmagalur Taluk.

It is requested that the Mysore Land Revenue Code be suitably amended by the insertion therein of a provision for the cancellation of Revenue Sales on a deposit of arrears and five per cent compensation on the purchase money within thirty days from the date of sale. (*Withdrawn.*)

No. 11—Village Panchayet Regulation to be made applicable to villages within the Kolar Gold Fields and Sanitary Board Area.

Messrs, Nanjappa *alias* G. K. Venkatappa, Kolar Gold Fields and M. Narasinga Rao, Kolar Gold Fields Area.

The Village Panchayet Regulation is not being made applicable to the villages comprised in the Kolar Gold Fields Sanitary Board Area. Consequently, the sanitary condition of these villages has been much neglected at present. It is prayed that the said Regulation may as a general rule, be made applicable to these villages also subject to the condition that the Sanitary Board should have general control over the Village Panchayets and such other managing bodies in the said area.

MESSRS. NANJAPPA AND NARASINGA RAO added that while the Village Panchayet Regulation was made applicable to all the other villages, they did not see any reason why the Sanitary Board Area alone should be excluded from its operation.

The DEWAN replied that the Kolar Gold Fields Mining Board would be consulted in the matter and orders passed in due course.

No. 12.—Disinheriting from Pateli and Shanbhogi offices, the descendants of Shanbhogs and Patels convicted of serious criminal offences.

Mr. Lingegowda, Krishnarajpete Taluk.

Pray that the descendants of shanbhogs and patels convicted of serious criminal offences may not be deprived of their *haks*, as such a procedure operates as a hardship.

Reading Sub-Section 5 of Section 7 of the Village Offices Regulation, the Dewan explained that the right to the Pateli would not be confiscated as a matter of course to the detriment of the heirs of the patel unless the criminal act was done in the execution of his duties and affected the responsibility of the officer to Government. It was only when the patel or the shanbhog was dismissed for treason, serious defalcation and such other crimes, that his emoluments or privileges would be declared to be forfeited and to pass away from his family. In such cases, a divided brother or a cousin of the dismissed individual having no joint interest with him might succeed to the office and the rights attached to it, provided he was duly qualified under Section 8 of the Regulation.

In these circumstances, he did not see how the section was a great hardship

MR. BELUR SRINIVASIENGAR did not see why the descendents of a patel or shanbhog convicted for a serious offence like defalcation or any other offence should be deprived of their right to succeed to the hereditary office of his convicted parent. He appealed to Government to consider the point sympathetically.

The DEWAN enquired what the effect of such a policy would be.

Mr. B. SRINIVASIENGAR said that it would be in conformity with equity and justice. He added that the regulation itself conferred the hereditary right to a Pateli or Shanbhogi Office, but by the provision now complained of that right had been deprived of on account of certain acts of the holder of that office. The offences committed by the patel or shanbhog were punished under the Indian Penal Code in the ordinary criminal courts and he did not see why the function of that court should be taken over by the department once again by depriving his heir of the right to succeed to the office.

MR. G PARAMASIVAIYA also thought that the existing rule was against justice and equity. He had no objection to punish the patel or the shanbhog for his offences as severely as possible, but it was wrong to recognise the now exploded theory of a criminal instinct in the family.

The DEWAN observed that the law did not take away the right from the family except that in the case of serious offences committed by the holder, the right of succession would be removed to a collateral family. This was supposed to act as a preventive against the commission of offences by Village Officers.

The REVENUE COMMISSIONER remarked that there were very few cases of the kind coming to the notice of Government and as far as he knew, he came across no such case so far.

MR. B. SRINIVASIENGAR admitted that such cases were few, but he objected to the policy of the provision as it stood which was certainly objectionable.

MR. R. GOPALASWAMI IYER brought to the notice of the House that the Madras Government had passed so recently as in 1922 an order stating that even ex-convicts might be taken into Government employment if they were satisfied that such convicts had turned over a new leaf.

The provision complained of in the Mysore rules was based on the principle that the sins of the father should be visited on the son. He thought that this was a very wrong principle. If, as was explained, the hereditary right was not proposed to be taken away under the provision, he asked why it should go to the brother of the convicted in preference to his own son.

MR. VENKATASAMIAH also spoke to the same effect and observed that even under the Hindu Law, the disqualification of the kind mentioned would be only personal and would not extend to posterity.

MR. KARNIK KRISHNAMURTHI RAO failed to see how, for an offence committed by the father, the son could be punished. The son got his hereditary right from his grandfather and not from the father, because the latter's property would be inherited only on his death. In this view, he thought that there was no reason why such a hereditary right should be denied to the son.

Many other members also spoke in favour of the representation.

The DEWAN replied that there was some difficulty in accepting a representation of this kind. He added that the existing rules were based on those that prevailed previous to the passing of the Village Offices' Regulation. He, however, promised that the matter would be considered.

No. 13—That the rule that Barawardar Shanbhogs and Patels should assume charge may not be strictly enforced.

Messrs. K. Ramanna and Giddegowda, Hole-Narsipur Taluk and Venkatasamaiya, Hole-Narsipur Municipality.

The recent order that all Barawardar shanbhogs and patels except minors and widows who have not taken charge of their offices should be given notice to take charge, failing which, their names should be removed works as a great hardship in some cases. It is prayed that the appointment of competent gumastas may be permitted in special cases where on the ground of want of educational facilities, the Barawardars have to go and live outside.

As an instance, Mr. RAMANNA said that if a shanbhog had to educate his children, he had to send them out of his village as there were no facilities for such education there; and as he could not afford the incidental expenses necessary for the maintenance of two establishments, the

education of the children would be retarded, unless he took some other employment outside.

The DEWAN said that in such cases, the man should resign in favour of a younger member of the family. The gumasta arrangement was not conducive to efficiency. He emphasised the rule that gumastas could be appointed only when the Barawardars happened to be minors and that in all other cases, the Barawardars should resign the office in favour of the next *hakdar*. He also invited the attention of the House to the Dewan's reply to this representation during the Dasara Session of the Assembly last year.

No 14.—Enhancement of Potgi to Shanbhogs and Patels.

Messrs. C. Narabaraiya and D. Byatappa, Nelamangala Taluk.

In view of the increase in the duties of patels and shanbhogs and the existing small remuneration allowed to them, it is requested that their potgi may be raised.

MESSRS. D. S. HANUMANTHA RAO and NARAHARIAH represented that this question was being urged on the attention of Government through the Assembly year after year for the past several years without effect, and that after all, the extra cost to Government on this account would not exceed Rs. 2 lakhs.

The DEWAN observed that Government could not afford this extra expenditure under the existing financial conditions and that if the Village Officers were dissatisfied, they were free to give up their hereditary right. He could not believe that an increase by Re. 1 or Rs. 2 would go a long way in relieving their distress.

MR. D. S. HANUMANTHA RAO said that the resignation of the hereditary right was unthinkable and that the rate of potgi might be increased.

MR. M. S. NARASINGA RAO remarked that if some encouragement were shown to the Village Officers, the raiyats would be indirectly relieved to some extent in their contributions.

MR. S KRISHNASWAMI RAO pointed out that this representation was coming up ever since the Representative Assembly was inaugurated, that in 1917 the Dewan had promised to increase the *potgi* when the general revenues of the State rose by another 3 lakhs, and that though the revenue had actually risen from Rs. 292 lakhs to 342 lakhs since, *i.e*, by 50 lakhs, the problem was not solved. He did

not believe that the State finances would be adversely affected to any large extent by sanctioning this increase.

MR. VENKATASAMI GOWDA suggested, as an alternative, that the lands included in their khate or such of them as may be sufficient to maintain their family might be given to them as inams.

The DEWAN closed the discussion on the subject by observing that the question cannot be considered in the existing state of the finances.

No. 15.—Batta to Patels and Shanbhogs.

Messrs. Venkatappa *alias* Chikkanna, Chikkegowda, Malvalli Taluk, and Seetharamiah, Malvalli Municipality.

Requests that patels and shanbhogs be allowed batta for attendance in criminal courts as witnesses.

MESSRS. VENKATAPPA and KRISHNASWAMI RAO represented that patels were cited as Government witnesses in all Police cases, but they were not paid any witness batta for appearance in criminal courts. Even the Police men were in receipt of this allowance.

MESSRS. MALLIAH and CHIKKANNA supported the above representation and invited the Dewan's attention to the reply given the previous year that the matter would be favourably considered.

Thereupon the DEWAN promised that Government would investigate the matter.

No. 16.—Appointment of Females as Patels.

Mr. G. Rangappa, Honnalli Taluk Constituency.

Educated or literate women may also be appointed as patels. If the husband who is a patel should die, the Pateli Baraward may be made in the name of his wife or any other female member of the family.

The DEWAN observed that it was a little premature to think of this reform in Mysore.

MR. RANGAPPA differed from this view and said that Government were spending lakhs of rupees on women's education, that women had been declared as eligible to vote and were being employed in the several departments of Government service and that in Madras, they were appointed as Panchayet Magistrates as well. He was certain that women would acquit themselves honourably if appointed to the Pateli by making suitable change in the Baraward.

Mr. VEMA REDDY and some others opposed the suggestion on general grounds, *viz.*, that women as a class were unfit to hold the important office of the patel owing to the multifarious and onerous duties of the office. The idea was opposed to the principles of Hindu law as it obtained in Mysore where women did not possess any claim to inheritance from the parent.

Mr. ANANTHIYA in supporting the representation, brought to the notice of the House that till 1918, women were not prohibited from holding Barawards. It was only since then that the right was abolished by the Village Offices Regulation. During the period when this restriction was not in force, many women exercised their powers to the best advantage of the village. Many women were employed in the Postal and Railway Departments as well as in many big commercial concerns. As such, it was not right to say that they could not manage the affairs of small villages.

Mr. MALLAYYA stated that even with the expansion of education, the patels were illiterate and were in the hands of shanbhogs. He did not see how their wives would be able to do the work pertaining to the Pateli Office. The result of such a proposition, if accepted, would destroy the hereditary character of the office. He strongly opposed the measure for the above reasons.

Mr. GOPALASWAMI IYER did not agree with the view that women were not competent to hold the Pateli Office. He said that given opportunities, women were capable of bringing into play all the hardihood and masculine intellect that was supposed to be necessary. He referred in this connection to the services rendered by women during the war in various fields. He added that Government had allowed three years to patels for qualifying themselves for the office and if they found that women could do the work more efficiently in that period, they would try to qualify themselves for the duties within one year. In that view also, he thought that it would be advisable to recognise the eligibility of women for Pateli Offices.

Mr. MALALI VENKATARAMIAH stated that under the Hindu Law, the hereditary right for the Shanbhogi and Pateli Offices should be inherited only by the male heirs of the family and that the *hak* should remain in the same family. It was on that principle that the 1908 order was based.

The FIRST MEMBER OF COUNCIL said that view was not correct and that where there was no direct

male heir, the property went to a daughter's son irrespective of whether the family was divided or not.

Mr. C. SRINIVASA RAO was of opinion that the suggestion was a very good one, and intelligent and literate women should be given opportunities to become patels.

The DEWAN pointed out that the suggestion would involve the removal of sex disqualification and require an amendment to the existing law.

Mr. BORANNA stated that many women had served as patels in the past much better than men, and Government had been satisfied with their work. In regard to the capacity of women to undertake responsible duties, he instanced the cases of Her Highness the Maharani Regent, who was Regent during the minority of His Highness, Queen Victoria who ruled for nearly 65 years, and Begum of Bhopal who is now conducting the affairs of the Bhopal State.

The DEWAN stated that the proposal was not a practical one and the Government were not prepared to modify the existing rules.

No. 17.—Abolition of the Miras to Thotis and Talaris.

Messers. S. Hampiah, Special Interests, Sidlagatta; J. Naranappa, Sidlagatta Municipality; A. Venkataramana Boyi, Special Interests and S. Chikkamuniyappa, Sidlagatta Taluk.

As the price of food grains has considerably increased and also the kandayam on lands has been enhanced, it is prayed that the payment of *miras* to thotis and talaris may be excused and money allowance granted by Government for these village servants.

Mr. HAMPIAH also stated that owing to bad seasonal conditions the crops raised by the raiyats were not sufficient even to give *miras* to those servants and if they did not get their *miras* they would bring the raiyats into trouble in various way and further, these village servants did no work for the raiyats.

MR. KRISHNAMURTHY ACHAR also agreed with the above view and brought to the notice of the House that in Madras there was no system of *miras* and requested that the system might be abolished in the Mysore State also. In Mysore, the raiyats paid these servants in different shapes for services rendered by them. In many cases, the total income of these servants was more than that of the village patel or shanbhog and as such, they had no

regard for the village officers. These servants did mostly Government work and as such, it was only right that Government should pay them. Besides, in many cases, they had been given inam lands. For the above reasons, he requested that the system might with advantage be abolished.

MR. B. SRINIVASA IYENGAR (Anekal) pointed out that the system was in vogue only in the Nandidroog Division and not in any other divisions of the State and requested that it might be abolished even there.

Mr. VENKATASWAMI GOWDA stated that the system of granting *miras* to the village servants was introduced before the survey system came into force and that it was not right to continue it any longer. The servants did no work to the raiyats, but attended mostly to Government work. They had been given inam lands for their services and there was no need for the raiyats to give them any *miras*.

MR. SHAMA RAO stated that the thotis and talaris were very helpful to the raiyats and as such, the *miras* system should continue. He was of opinion that if it was abolished, the little harmony that existed in the villages between the raiyats and these servants would disappear.

MR. MURUGESAM did not agree with the statements made by the previous speakers that the thotis and talaris did not do any work for the raiyats. On the other hand, he submitted that those servants did all sorts of menial work to the raiyats, and if in any case they failed to obey the raiyats, they would be subject to all sorts of hardships such as refusing them even water from the village wells, etc. In his own opinion, it would be well if they were relieved entirely of the menial duties to the raiyats. If, on the other hand, their services were found to be necessary by the raiyats, the system of collecting some cess from the raiyats might preferably be adopted.

The Revenue Commissioner said that the system of paying *miras* to thotis and talaris was not uniform. In some parts of the State, there were no thotis and talaris; in some others, these servants had inam lands while in others, they had only to depend on *miars* and yet in certain other parts they got both *miras* and inam lands. The system in one hobli of a taluk differed from that of the neighbouring hobli of the same taluk. It had therefore been very difficult to systematise the practice. Under the existing rules, where

there was any doubt about the practice, the system in vogue in the Nandidroog Division should be followed and Government could enforce the payment of *miras* where raiyats refused to give.

The Government could not afford to pay salaries to these servants as it would cost them nearly Rs. 10 to 15 lakhs. Even the suggestion of levying the Village Servants' Cess would not be successful, for in some places, three pies in the rupee would be sufficient to meet the expenditure in this connection and in other places, even four annas in the rupee would not suffice.

For the above reasons, Government considered that the old practice should be continued for sometime longer and that no drastic changes would be possible.

MR. KARNIK KRISHNAMURTHY RAO represented that large extents of *batai*, *gomal* or *kharab* lands were available and Government might give a sufficient extent to these servants and relieve the raiyats from the burden of *miras*. He was opposed to the system of levying a cess from the raiyats for the purpose of paying the totis and talaris, for he feared that the same argument might be put forward for the payment of patels and shanbhogs also. He was therefore strongly of opinion that the raiyats should be freed entirely from the burden and that the Government should pay the village servants.

The FIRST MEMBER OF COUNCIL pointed out that the grant of kharab or gomal lands to the thotis and talaris would not help them immediately as it would take some years before the lands could be brought under cultivation.

MR. KRISHNAMURTHY RAO replied that the raiyats would be willing to pay them *miras* for, say, two or three years more, *i.e.*, until the lands were brought under cultivation.

The DEWAN stated that it was not possible to change the system all of a sudden. In every village, lands available for giving to these servants should be selected and that would take a long time. He was however of opinion that some such solution would be considered and it might not be possible to decide the matter for at least the next three years.

MR. BYANNA feared that if the thotis and talaris were granted inam lands, their whole attention would be diverted towards the improvement of their lands and they would not attend to the work of the village and the raiyats.

The DEWAN replied that, that system was in vogue in the Madras Presidency and was working satisfactorily.

No. 18.—Power to patels to issue demand notice for default of payment of kandayam.

Messrs. B. M. Munisamappa, Belur Srinivasa Iyengar, Bangalore City, and Appaji Gowda *alias* Siddegowda, Channapatna Taluk.

It is requested that patels may be empowered to issue demand notices for arrears of kandayam as is done in the Madras Presidency, as such a measure will facilitate punctual recovery of land revenue arrears.

The DEWAN enquired on whose behalf the proposition was brougt forward for discussion—on behalf of Government or on behalf of the raiyat.

It was learnt that the proposition was on behalf of Government.

MR. D. S. HANUMANTHA RAO and many others were not in favour of the proposal.

MR. B. SRINIVASA IYENGAR said that the patels were sufficiently educated and the power asked for would be only a step in the direction of decentralisation of work. At present, it was the Amildar that gave the notice if the khist was not paid within the due date. If that power was transferred to the patel, and the khist was still not paid, he could straightway go to the Amildar and have further coercive measures taken without loss of time.

Some members were of opinion, that if the power were granted to the patel, he would not take much interest in the collection of revenue as he would think that his responsibility ceased with the issue of notice. They were also afraid that the amount collected as notice fee would not be sent by the patel to the treasury, but would be utilised by him.

MR. SHAMA RAO was of opinion that it was all the same whether the notices were issued by the Amildar or the patel and the issue of notice by the patel had no special advantage.

MR. VENKATASWAMI GOWDA was of opinion that unless the power to attach lands was also given to the patels, the issue of notice by patels would not have the desired effect.

MR. VEMAREDDY was of opinion that the existing system was the best. The patels should be lenient towards the raiyats or else, they would become unpopular very soon. They should be able to collect revenue from

the raiyats by sweet reasoning. The notice issued by him to the raiyats would have no value and the system would be a failure. He therefore opposed the proposal.

The DEWAN said that the proposal was not feasible.

No. 19.—Powers to Amildars to refund the value of spoilt or useless stamp papers.

Mr. T. Nanjappa, Mysore Chamber of Commerce Bangalore City.

As the existing practice of obtaining the sanction of the Deputy Commissioners for the refund of the value of spoiled or unused stamp papers is causing inconvenience to people living in mofussil, it is prayed that this power may be delegated to Amildars.

MESSRS. SOORAPPA, SHAMA SASTRI, RUDRAPPA and many others supported the proposal.

The DEWAN promised that the suggestion would be noted for consideration.

No. 20.—Empowering Revenue Officers to deliver property to auction-purchasers in executing the Co-operative Decrees.

Messrs. S. Hampiah, Special Interests, Sidlaghatta; J. Naranappa, Sidlaghatta Municipality; Karapakala Suraiya, Chintamani Municipality, and A. Venkataramana Boyi, Special Interests, Sidlaghatta.

In executing the decrees of Co-operative Societies, Revenue authorities are empowered to sell only the right, title and interest on the landed properties involved, but the auction purchasers have to go to the Civil Court for obtaining possession of the immovable property. This causes much hardship to the parties. It is prayed that the Revenue Officers may be empowered to deliver the property sold to the possession of the auction purchaser.

The SECOND MEMBER OF COUNCIL said that the matter was under the consideration of Government. He personally thought that under the existing law, the Revenue Officers had that power, but that they were not fully conversant with the rules. He proposed to consult the Law Officers of Government in the matter and see what could be done.

MR. PARAMASIVIAH was of opinion that it would be better to follow the procedure laid down in the Civil Procedure Code in regard to the execution of Co-operative Decrees.

The DEWAN said that the Government were considering the matter as legal points were involved in it.

No. 21.—Final orders *re* the transfer of Patta applications to be communicated to parties.

Mr. K. Ramakrishna Iyer, Kolar Taluk.

Whenever applications are made for transfer of pattas, the parties are not informed about the result of action taken. This causes much inconvenience. It is prayed that final orders in such matters may kindly be arranged to be communicated to parties.

The DEWAN said that the suggestion would be noted.

No. 22.—Enforcement of individual responsibility on the various *hissedars* of particular survey numbers.

Messrs. Lakshminarasappa, Maddagiri Taluk; and Y. Chendrasekharappa, Koratagere Sub-Taluk.

Under the present rules, entire survey numbers consisting of several *hisses* are sold for arrears of kandayam due from one or the other of the *hissedars* though the proportionate amount of kandayam has been recovered from the other *hissedars*. This system entails much hardship to individual sharers. It is therefore prayed that individual responsibility of sharers may be enforced on the respective sharers.

The DEWAN said that final orders on the subject were passed on 20th January 1924 stating that the suggestion was impracticable, and that nothing more was possible.

No. 23.—Compulsory collection of *eksal* kandayam as land revenue demand.

Mr. K. Srinivasa Sastri, Harihar Municipality.

As the Amildars have been divested of Magisterial powers, they may be empowered to collect the amount due under *eksal karar* compulsorily as land revenue demand, as in Bombay Presidency.

The DEWAN observed that there was provision in the Land Revenue Rules for dealing with such cases and no separate rules were necessary.

MR. C. SUBBA RAO explained that the intention of the mover of the proposition was that if there was any default on the part of a sub-tenant in the payment of contract amount agreed to by him before the end of the term of contract, the Amildar might be empowered to enquire into the case and collect the same as land revenue

arrears and relieve the tenant of the necessity to launch proceedings in a Civil Court.

The DEWAN considered that there was no urgent necessity for such a provision.

No. 24.—Revision of Rules prohibiting the use of water of waste-weir and percolation.

Mr. Hutchveeregowda, Gubbi Taluk.

It is prayed that the existing rules prohibiting the use of excess water of wasteweir and percolation for garden or wet cultivation may be revised and permission for free use of such water may be granted.

MR. KARNIK KRISHNAMURTHY RAO supported the proposition.

The Revenue Commissioner stated that in February 1924, a Government Order was issued stating that if a land was cultivated by percolation water, the water rate might be levied. The present rules were quite adequate and required no modification.

MR. SHAMA RAO stated that in the case of a connected series of tanks, the proposal would act as a hardship as the extra water on its way from one tank to another tank lower down would be utilised for cultivation, thereby reducing the supply of water to the tank lower down.

The DEWAN stated that there was no urgent need for special rules for this purpose as such cases would be settled according to local circumstances by local officers.

No. 25.—Maintenance in the Taluk Office of a register showing the source of irrigation of wet and garden lands.

Messrs. R. Subba Rao, B. Srinivasa Iyengar, Anekal Taluk.

It is requested that a register showing the source of irrigation to wet and garden lands be ordered to be maintained in all the taluk offices for the use of raiyats.

Mr. B. SRINIVASA IYENGAR also stated that in the Madras Presidency, every taluk had registers showing the source of irrigation and could be had on payment of a small fee. The maintenance of such a register would help the disposal of disputes arising out of the tabulations under the *pahani* accounts. Some years ago, a similar representation was made to Government, but a reply was given that arrangements would be made to maintain such registers after the resettlements were completed in the whole

State. The resettlment work was almost completed but no action had yet been taken to maintain the registers.

The Revenue Commissioner stated that the registers would not serve any very useful purpose as they were not authoritative documents.

The DEWAN said that the matter would be considered by Government.

No. 57.—Amendment of the Criminal Procedure Code.

Mr. J. S. Mahalingappa, Jagalur Taluk.

In all criminal cases with the exception of the more heinous ones, accused persons are let on bail in British Territories in consonance with the provisions contained in the Criminal Procedure Code. It is requested that similar amendments may be brought into force in Mysore also.

Note.—Not discussed as the amending Bill itself was placed before the House.

No. 58.—Prevention of the slaughter of cows.

Messrs. C. Naraharayya, and D. Byatappa, Nelamangala Taluk.

It is prayed that early legislation may be undertaken to prohibit the slaughter of cows.

Note.—Not discussed as there was a resolution on the same subject for discussion.

No. 59.—Construction of quarters for the employees in factories.

Messrs. Mohamed Abbas Khan, G. Paramasiviah and N. G. Sanjeeviah, Bangalore City.

It is requested that provision may be made in the Factories Regulation so as to make it obligatory on the part of the owners of factories to provide housing facilities for at least 75 per cent of the persons working in such factories.

Note.—Mr. Paramasiviah requested the Dewan-President that the subject might be taken the next day as the mover Mr. Mohamed Abbas Khan was absent. This was allowed.

No. 60.—Exemption of bonds executed in favour of Co-operative Societies from the operations of the Limitation Act.

Messrs. B. Subba Rao, Closepet Sub-Taluk, and A. M. Venkatashamiah, Closepet Municipality.

Several instruments executed in favour of Co-operative Societies have become time-barred owing to the

ignorance of the Directors thereby causing loss to such societies. It is therefore requested that the instruments in favour of Co-operative Societies may be exempted from the operations of the Limitation Regulation and if this concession cannot be sanctioned permanently, it may at least be permitted for a limited period.

MR. SUBBA RAO added that until very recently both the Directors and the members of the Co-operative Societies were quite ignorant of the Limitation Regulation being applicable to the Co-operative decrees, that the rules were not clear on the point, that the period of limitation had expired in most of the instruments executed in favor of the Co-operative Societies and that the period of three years now prescribed in the Regulation might at least be changed to six years.

The REGISTRAR OF CO-OPERATIVE SOCIETIES asked the member whether he wanted that his proposal should apply to the cases of time-barred instruments or to future instruments.

The MEMBER replied that that Regulation might at least be held in abeyance for three years so that the societies might be able to recover the loans that were granted in the past and that if they were not recovered within that time the Regulation might be put into force.

The DEWAN pointed out that if a provision of this kind were enacted it would not have retrospective effect.

The MEMBER FROM HUNSUR was of opinion that as there was no provision regulating the operation of limitation in the Co-operative Societies Regulation itself, it should be held to mean that the Co-operative Regulation did not come under the Limitation Act.

ANOTHER MEMBER remarked that in the case of the co-operative movement which existed only on mutual arrangement, it would not be right to fetter the hands of the people by imposing this Regulation.

MR. KARNIC KRISHNAMURTHI RAO doubted whether a statutory provision of that kind could be held in abeyance in the manner proposed. He was of opinion that it was the duty of the Registrar of the Co-operative Societies to have taken prompt action in recovering the debts due to the societies and if he failed to do his duty in the matter the remedy lay elsewhere rather than in holding the law in abeyance.

MR. NANJUNDARAJ URS agreed with all the statements made by Mr. SUBBA RAO and added that the

additional period asked for was merely to settle the previous transactions and nothing more. He had no objection to apply the provisions of the Limitation Regulation to the instruments in favour of Co-operative Societies in future cases. The main reason for the concession prayed for was that the Directors of Co-operative Societies were under the impression that the Revenue Department would recover all their dues without any limitation of time and as it was since understood that that impression was wrong, the concession asked became necessary.

MR. PARAMASIVIAH thought that the suggestion was a novel one and that the recovery of the dues on time-barred instruments should be made from the people including the officers of the department through whose negligence the loss was caused. He added that when Societies' Regulation was passed the law of limitation was in force and as such it did apply. He was also of opinion that if limitation was kept in abeyance as prayed for various difficulties would arise. Ignorance of law should be no excuse.

The REGISTRAR OF CO-OPERATIVE SOCIETIES failed to see how the past directors or the Secretaries who were in previous years could be brought to book.

MR. SHAMA SASTRI of Maddagiri said that executive instructions might be issued to the Registrar to permit the disposal of cases in which the period of limitation had expired.

MR. VENKATASHAMIAH said that the Co-operative Societies were meant to give mutual benefit to the members constituting the societies and that a special law was passed for their benefit under which even suits for the recovery of loans could be instituted and disposed of by the Registrar. These suits differed in material respects from the suits instituted in civil courts which were regulated under a general act in which specific provision had been made for the application of the law of limitation. The Co-operative Societies on the other hand stood on a different footing and were governed by a special law in which no mention had been made about limitation. Hence he argued that the law of limitation should not be made applicable to the Co-operative Societies. He added that the principle enunciated by MR. PARAMASIVIAH applied to the Joint Stock Companies and had no application to Co-operative Societies.

MR. ANANTHIAH fully endorsed the above view and said that the Government Order incorporating that the Limitation Act applied to the Co-operative Societies was wrong and might be rescinded.

MR. D. S. MALLAPPA opposed the proposal on various grounds, one of which was that if a loan to which limitation applied ten years ago was revived, it would mean the complete insolvency of the borrower as within the interval the interest and the principal would have amounted to a very large sum and his very assets would not be sufficient to repay it.

The DEWAN promised that the Government would examine the whole position carefully and see how the difficulty could be met.

No. 61.—Suitable amendments may be made in the Revenue Law making it necessary and obligatory to attach immovable property in execution of Co-operative Society decrees and such dues wherein the right, title and interest only are sold.

Messrs. A. Ananthaiya, Shimoga Taluk, and C. Subba Rao, Co-operative Interests.

As it is, the Revenue authorities only sell the right, title and interest of the judgment debtors without attaching the immovables. Before the properties are sold the judgment debtors might alienate the property and deceive the societies. It is therefore prayed that suitable amendments be made in the Revenue Law making it necessary to attach immovable properties in execution of Co-operative Society decrees.

The DEWAN doubted whether the coercive measures applicable to the revenue sales might be applied to the sales in the execution of the decrees of Co-operative Societies.

The SECOND MEMBER OF COUNCIL said that he was under the impression that the same powers of attaching immovable property before sale register as was being exercised by civil courts and added that if such a case should arise and the parties took it up to the Chief Court for a final decision, then it was possible to see how exactly the law stood and if an amendment of the law was called for.

The FIRST MEMBER OF COUNCIL asked whether it would be sufficient if attachment was made after the decree was passed or whether it would be necessary to provide for attachment before judgment.

MR. SUBBA RAO said that the latter would be preferable but that provision might be made for both.

The Registrar of Co-operative Societies wanted to know whether such power was required in the case of limited or unlimited societies.

It was suggested that it would be better if it were in both the cases.

The Registrar of Co-operative Societies informed the House that the question of giving possession to the purchaser was under the consideration of Government and that in that connection the question of attachment would also be considered.

No. 62.—Enhancement of the marriageable age of boys and girls. Mr. J. Rudrappa, Tumkur Taluk.

It is prayed that the marriageable age of girls be raised from 8 to 10 years and that of boys to 16 years.

MR. RUDRAPPA prayed that under the Infant Marriage Regulation the marriageable age of the girls was 8 years, that any violation of it would be punishable. that in the present circumstances it was a great handicap both to the education of the boys and girls and their physical growth, that the analogy of the Age of Consent Bill where the age of the girls was raised to 13 and 14 in the Indian Legislative Assembly be taken into consideration, that this was also the practice in Calcutta, and that therefore the marriageable age of the girls might be raised from 8 to 10 years and that of boys to 16 years.

MR. KRISHNASWAMI RAO thought that no-where in the whole of India was there any law of the kind in force restricting the marriageable age of the boys and girls, that though the law was in force in the State, it did not prevent the subjects of the State from going outside the State or even to the Bangalore Cantonment and celebrating the marriages, that in the case of Brahmins though there was nothing in the Sastras against this custom, generally boys below 16 years were not married and that no legislation was necessary.

MESSRS. BYANNA, AND SHAMA RAO opposed on the ground that in a socio-religious matter of this kind, Government should not interfere before public opinion was elicited.

MR. M. S. NARASINGA RAO said that girls should not be married till 17 years of age and boys till their 25th

year, that this should be borne in mind and that as first step the present suggestion would be acceptable.

MR. VEMA REDDI desired Government to consider seriously the object with which the original regulation restricting the age of the girls to 8 was fixed, *viz.*, that the girl would then be "Kanya" *i.e.*, fit to be married, that the bond between the husband and the wife was so sacred that it could never be broken by any law, that if any law of the kind suggested was so framed, it would only cause dissatisfaction and wound the religious feelings of the people and that in view of the above considerations it was not desirable to go against the Dharma Sastras which were the guide of the people in these matters.

The DEWAN said that this was a matter of social legislation and that Government could not take any action by themselves and that there was, however, no objection to a private bill being brought up in the Legislative Council.

No. 63.—Law for the relief of the old people and widows.

Mr. K. Venkataswami Iyer, Nanjangud Municipality.

Government may be pleased to enact laws similar to the bill recently published in the Cochin State to provide for the relief of the old people and widows.

Note.—MR. K. VENKATASWAMI IYER requested permission to consider this subject the next day since many of his friends who had to give their opinion in the matter were absent. This was allowed.

No. 64.—Recruitment of Magistrates.

Mr. A. Narayana Iyengar, Hassan Taluk.

Recruitment to the posts of Special Magistrates may be made from among the Law Graduates.

MR. A. NARAYANA IYENGAR requested that all Special Magistrates be recruited from among the members of the Bar who were Law Graduates.

The DEWAN replied that it was not possible to do so as the claims of men in service and also those of others had to be taken into consideration in making appointments, that the principle had however been recognised, and that Government were following it as far as possible.

No. 65.—Opening of Sub-Judges' Courts at all District Head-quarters.

Mr. A. Narayana Iyengar, Hassan Taluk.

Sub-Judges' Courts may be opened at all District Head-quarters with the powers of Assistant Sessions Judges and District Magistrates so that the Special Magistrates may be made independent of the executive.

The DEWAN doubted whether there would be sufficient work for each Sub-Court so established.

MR. NARAYANA IYENGAR replied that there were at present only 3 Sub-Courts in which there was a lot of congestion, that if on the other hand, a Sub-Court was established in each District Headquarter that court could hear the appeals from the decisions of the Munsiffs also and that all the congestion might be removed.

The FIRST MEMBER OF COUNCIL wanted to know if the Sub-Judges to be appointed were of sufficient status to be invested with the powers of a District Magistrate. He added that the First Grade Magistrates were mostly in the grade of Sub-Judges and as such if the Sub-Judges were given the powers of District Magistrates with jurisdiction over the First Class Magistrates of the same status as themselves, it would result in causing friction and dislocation of the work in the several grades of appointments in the service.

MR. NARAYANA IYENGAR said that if that could not be done they might at least be given the Sessions power in each District Headquarter.

MR. C. SUBBA RAO supported this proposal for the reason that although the Sessions Judges and District Magistrates were practically in the same cadre, yet a last class Sessions Judge getting Rs. 800 would have power over the District Magistrate of the First Grade getting Rs. 1,200.

The DEWAN observed that this proposal was not brought forward for the sake of the convenience of the work but for introducing a new principle and regretted that Government could not accept it.

No. 66.—Munsiffs to be invested with jurisdiction up to Rs. 5,000.

Mr. B. Rangarajiah, Pallegar Interest, Mudgere.

It is prayed that in District Headquarter towns where there are no Sub-Courts, Munsiffs of the First Grade may be placed in charge of the Munsiff's Court and

invested with jurisdiction up to Rs. 5,000. This measure will be very helpful to the litigant public.

Note.—Disposed of in conection with the statement placed before the House regarding a Bill to further amend the Mysore Civil Courts Regulation, I of 1883.

No. 67.—Selection of Bench Migistrates by the public.

Mr. K. Rudrappa, Devanhalli Municipality.

Mr. Appaji Gowda *alias* Siddegowda, Channapatna Taluk.

The present practice of appointing Bench Magistrates from among persons recommended by the Amildar should be done away with and appointments should be made independently as a result of election by the people of the locality.

The DEWAN replied that Bench Magistrates appointments were made by Government on the recommendation of the Deputy Commissioners and not on that of the Amildars and that the election principle could not be applied to the Bench Magistrates.

Messrs. RUDRAPPA, AND MALLAPPA were of opinion that, as very often proper people were not selected, the selection should be made on some definite principles. They strongly objected to the appointments being made on the recommendation of the Amildar.

MR. ANANTHIAH thought that the persons elected as Bench Magistrates should command respect and confidence of all the people and that Government should see that selections were made on that principle.

MR. KARNIC KRISHNAMURTHI RAO said that if an eligibility list was prepared and men were selected from that list, there would be no room for complaint. Now, as a matter of fact, the Bench Magistrates did not in many cases realise their sense of responsibility and did not work efficiently, since the worst that could happen to them was the withdrawing of the magisterial powers.

The FIRST MEMBER OF COUNCIL explained that if a Magistrate did not do his work properly Government had power to remove him from office. He said that at least in two cases Government had done so.

MR. KRISHNAMURTHI RAO suggested that just as there were lists of jurors and assessors a list of members eligible for appointment as Bench Magistrates might also be prepared and men selected therefrom. He also wanted such lists to be published in the Gazette.

MR. NILIGIRI SANJEEVIAH observed that Bench Magistrates were selected mostly from Headquarter Towns and that people living even two miles from such places were not chosen.

The FIRST MEMBER OF COUNCIL replied that a circular had recently been issued to the effect that only men living within a radius of 5 miles from the headquarter should be selected for the posts of Bench Magistrates.

MR. PARAMASIVIAH suggested that a small Committee such as the one in the Central Provinces might be appointed for the selection of Bench Magistrates in each district.

The FIRST MEMBER OF COUNCIL, said that Government were taking every care to select suitable men for Bench Magistrates Courts and that no committee was called for.

The DEWAN wound up the discussion by saying that the Government would issue orders to exercise very great care in the selection of persons to be recommended for appointment as Bench Magistrates.

No. 68—(*a*) Appointment of a clerk and a peon to each Bench Court.

(*a*) Mr. K. P. Parasivayya, Kankanhalli Taluk.

(*b*) Appointment of a full-time clerk to each Bench Magistrate's Court.

(*b*) Mr. Nadig Aswatha Rao, Kumsi Sub-Taluk.

(*a*) It is requested that a permanent clerk and a peon be appointed for each Bench Court.

(*b*) In the interests of the efficiency of work a full-time clerk may be sanctioned to each of the Bench Magistrates' Courts in the State.

MR. K. P. PARASIVAYYA said that the want of staff in Bench Courts was keenly felt.

The FIRST MEMBER OF COUNCIL replied that peons had already been given in some districts and that in regard to other districts, the question was under consideration. As to clerks wherever the quantity of work required the services of a full-time clerk, a clerk had been provided.

MR. MALLAPPA brought to notice that there was no use of merely appointing clerks, but that they should be subject to the disciplinary control of the Bench Magistrates, as otherwise the clerks would not even attend the court in time and discharge their duties properly.

The FIRST MEMBER OF COUNCIL promised that Government would consider the matter.

No. 69.—Extension of the period of limitation for the execution of decrees.

Messrs. M. P. Somasekara Rao, Bangalore City Municipality and Belur Srinivasa Iyengar, Bangalore Taluk.

The period of limitation prescribed in the Limitation Regulation for the execution of decrees is calculated to cause a great deal of hardship, especially in those cases in which contentions of a frivolous nature are raised by judgment debtors and it is therefore prayed that the period may be extended.

MR. SOMASEKHARA RAO urged for the amendment of clauses (5) and (6) of Column III of Article 182 of the Limitation Regulation, fixing the date of the last order in the previous execution case as the starting point of limitation in respect of those execution applications which fell under those clauses. Under the existing law, the limitation period runs from the date of the previous application for execution, or of taking any step in aid of execution or of the issue in a previous case of notice to show cause why the decree should not be executed. Sometimes, it takes over three years for contests raised in the course of execution proceedings to be disposed of. In such cases, it so happens that after the disposal of such contests, further steps cannot be taken on an execution application within the prescribed period. For instance, where a claim to attached property is allowed, the time for filing a fresh execution application might have expired in the meanwhile before the previous execution petition was finally disposed of. In such cases, the present law would involve great hardship on decree holders. Moreover the clauses in question made it necessary that a number of details should be accurately furnished in execution applications. This, as pointed out by the Civil Justice Committee involved somewhat cumbrous procedure which was one of the causes for delay in the disposal of execution cases. There was a confusing mass of case law on the interpretation of the expression "step in aid of execution." The amendment suggested was highly desirable to remove all difficulties.

In Travancore, the starting point in cases of the kind referred to was the date of the last order on previous

execution application. The Civil Justice Committee proposed that Article 182 should be either totally repealed or at least amended so as to make the limitation period run from the date of the last order on the previous execution application.

The FIRST MEMBER OF COUNCIL said that the Mysore Regulation was based on the British Indian Act and that in Britsh India no action had yet been taken in regard to the matter brought up before the House. He added that it would be useful to wait for some time longer and that in the meantime, the matter would be referred to the Law's Delays Committee.

No. 70.—Abolition of capital punishment.

Messrs. R. Surappa and B. M. Davegowda, Belur Taluk.

There has been an endeavour in all civilised countries to abolish capital punishment. A Bill has been recently introduced in Parliament for the abolition of capital punishment. Government may kindly take a lead to abolish capital punishment in this State also.

NOTE—*Withdrawn* since there was a resolution on the subject.

No. 71.—Reduction of Court-fees and Registration fees.

Messrs. Bandiah and Papanna, Nanjangud Taluk.

As Government is deriving revenue without any initial capital investment by the levy of income-tax, the question of reducing the court-fees payable on suits in Civil Courts, and Registration fees now in force may be considered. For the present, former rates of court-fees, etc., may be revived.

MR. KRISHNASWAMI RAO brought to the notice of the House that the Assembly was not consulted when the registration and court-fees were enhanced sometime ago. Under the reformed constitution it was incumbent on the part of Government to ascertain the sense of the Assembly in such an important matter as this before raising the fees.

The DEWAN pointed out that these were fiscal measures passed by the Legislative Council and that it was not necessary that they should have been first brought before this Assembly under the previous constitution.

MR. VENKATSWAMIAH was of opinion that it was unsatisfactory that Government should get more revenue

only from these two departments by the enhancement of court-fees and registration fees and that poor people found it very difficult to file suits owing to the increase in the rates. As things stood, the receipts from court and other fees were far in excess of the expenditure on establishment, etc., in the Civil Courts and that Government could well afford to reduce these fees. He was of opinion that taxation should be such as to give the least hardship to the people. He added that court-fees had been reduced in Bombay recently.

The DEWAN replied that the rates prevailing in Madras had been adopted here and it was not possible to reduce these fees, which were adopted on the recommendation of the Finance Committee.

No.—72 Reduction of court-fees in Small Cause Cases
Mr. Venkatasami Chetti, Chikballapur Municipality.

It is prayed that the court-fees in Small Cause Cases may be reduced from 10 to 7½ per cent as this is the rate obtaining in Madras Presidency.

MR. VENKATASAMI CHETTI said that the reduction would be in the interests of the poor people that ordinarily figured in such cases.

MR. BELUR SRINIVASA IYENGAR said that receipts under court-fees amounted, at present, to Rs. 10½ lakhs, whereas the expenditure on courts was only Rs. 4½ lakhs, that while such was the case, it was not right to allow poor people to fight out their cases by paying heavy fees. He added that in the case of Small Causes, regular evidence was not recorded, there was no appeal, no proper judgment as in the original suits and that therefore it was not justifiable to take the same court-fees for Small Cause Cases as in the original suits. He stated that as it was said that our Act was based on the Madras Act, there was no reason why when the court-fees on Small Cause Suits was 7½ per cent in Madras, they should be 10 per cent in Mysore.

MR. HUTCHVEEREGOWDA brought to the notice of Government that even in Village Munsiffs' Courts, they had to pay stamp fees and that such fees should be removed.

The DEWAN promised to enquire into the discrepancy brought to notice.

No. 73.—Issue of an inventory of distrained articles to the owner.

Messrs. Veeregowda and Hanumegowda, Dodballapur Taluk.

At present it is the practice to give the owner of a house searched by the Police an inventory of distrained articles, only if the owner desires. It is requested that the grant of an inventory of articles seized may be made compulsory, since the articles seized often contained very valuable and costly jewels and that this was necessary in order to prevent any fraud that might take place.

The FIRST MEMBER OF COUNCIL promised to consider the point when the Criminal Procedure Code amendment comes up before the Legislative Council.

No. 74.—Granting receipts to parties instead of receipt orders by the Cviil Courts.

Messrs. S. Deviah and Annayya Gowda, Seringapatam Taluk.

When parties or their agents tender moneys for payment to decree-holders, courts issue receipt orders to treasuries and hand them over to the parties who have to present the amounts with chellans for credit into the treasury. The procedure in the case of illiterate persons works as a hardship. It is therefore prayed that such amounts may be received in courts only, and receipts granted straight off, the courts making their own arrangements for remittance of the amount to treasuries.

The DEWAN replied that the Chief Court would be consulted in the matter.

No. 75.—Batta to witnesses in criminal cases.

Mr. Siddabasappa, Shikarpur Taluk.

No witness batta is paid now for attendance in criminal cases except in the Sessions Court. Great hardship is being experienced by people summoned to give evidence in criminal courts, especially when they have to come from great distances, at great expense and inconvenience to themselves, upsetting the work in which they are engaged. Under these circumstances, provision may be made to pay batta to witnesses in all criminal courts as is the case in the Bombay Presidency, the cost being met either by Government or private parties whoever be the complainant.

MR. PARAMASIVIAH pointed out that in non-cognisable cases it was the poor people that would be put to difficulties and that in such cases, these poor parties themselves

had to bring their own witnesses. The effect would be that in most of the cases on account of their poverty, they would not be able to get them, with the result that there would be failure of justice. In these circumstances, he said that the question deserved the favourable consideration of Government.

The FIRST MEMBER OF COUNCIL promised that the Government would consider the matter after enquiring into the practice prevailing elsewhere.